

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, DC**

Application of	)	
	)	
<b>WALTZING MATILDA AVIATION, LLC,</b>	)	<b>Docket Nos. DOT-OST-2021-0046</b>
	)	<b>and DOT-OST-2021-0078</b>
For Certificates of Public Convenience and	)	
Necessity to Engage in Interstate Scheduled	)	
Air Transportation and Foreign Scheduled	)	
Air Transportation	)	

**ALLIED PILOTS ASSOCIATION’S RESPONSE TO MOTION TO STRIKE**

The Allied Pilots Association (APA) writes in response to the Motion of Waltzing Matilda Aviation, LLC (WMA) to Strike the Answer of Allied Pilots Association.

APA’s Answer was timely. Although WMA’s application was originally filed on April 19, 2021, *see* Dkt 1,<sup>1</sup> the Department found that the original application was “not submitted in accordance” with DOT procedural rules, including rules regarding service. *See* Dkt. 11. Consequently, on September 17, 2021, the Department ordered WMA to “review and correct its submissions and resubmit with evidence that the appropriate parties were served notice of WMA’s applications.” *Id.*

APA learned of WMA’s corrected application via the filing made by WMA on October 13, 2021, in which WMA claimed that its “corrected filings were served on the appropriate parties.”<sup>2</sup> Dkt. 13. Because October 13, 2021, is the date on which WMA confirmed that it had

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<sup>1</sup> Docket references and dates refer to Docket No. DOT-OST-2021-0046.

<sup>2</sup> In its filing, WMA contends that its corrected applications were filed on September 22, 2021. However, those applications do not appear to have been docketed in a separate entry, and APA did not learn of the filing of the corrected application until October 13, 2021.

finally submitted an application in accordance with Department rules, the 21-day deadline for answers should be deemed to have started on that day, making the deadline November 3, 2021.

*See* 14 C.F.R. § 302.204.

In the alternative, APA's submission may be treated as regulatory comments on WMA's application and subsequent filings. The Department has set no deadline for comments in this matter.

Finally, consideration of APA's Answer does not prejudice WMA—which has already responded to the substance of APA's submission in its motion—and may assist the Department in considering the issues raised by the applications. Consequently, the Department should deny WMA's motion and consider APA's Answer.

Respectfully submitted,

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*Attorneys for the Allied Pilots Association*

Dated: November 4, 2021

## CERTIFICATE OF SERVICE

I certify that on November 4, 2021, in accordance with section 302.3 of the Department of Transportation's Rules of Practice, 14 C. F. R. §§ 302.3, I filed, in Docket DOT-OST-2021-0046 and Docket DOT-OST-2021-0078, by electronic means using the process set at <https://www.regulations.gov>, this Answer of the Allied Pilots Association.

In addition, on October 29, 2021, I served by electronic mail: Allan H. Horowitz, counsel for Matilda Aviation, at [ahorowitz@FoxRothschild.com](mailto:ahorowitz@FoxRothschild.com); Alexander Van der Bellen, counsel to the Air Line Pilots Association, [sascha.vanderbellen@alpa.org](mailto:sascha.vanderbellen@alpa.org); Lauralyn Remo, Chief, Department of Transportation Air Carrier Fitness Division, at [laura.remo@dot.gov](mailto:laura.remo@dot.gov); Damon Walker, staff member, Department of Transportation Air Carrier Fitness Division, at [damon.walker@dot.gov](mailto:damon.walker@dot.gov); and Jerish Varghese, staff member, Department of Transportation Air Carrier Fitness Division, at [jerish.varghese@dot.gov](mailto:jerish.varghese@dot.gov).

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